

CHAPTER NO. 1078

HOUSE BILL NO. 3097

By Representative Phelan

Substituted for: Senate Bill No. 3190

By Senator Carter

AN ACT to amend Chapter 84 of the Public Acts of 1947, as amended by Chapter 637 of the Public Acts of 1984, Chapter 868 of the Public Acts of 1986, Chapter 78 of the Public Acts of 1997, and any other acts amendatory thereto, to ratify and establish the boundaries of the Kenton Special School District; to authorize and empower Kenton Special School District to establish and own school buildings, facilities and equipment; to authorize and empower the District to operate schools and to contract with the Gibson County Special School District or others for the operation of the Kenton Special School District schools.

WHEREAS, the Kenton Special School District (the "district") was created pursuant to Chapter 84 of the Public Acts of 1947, reestablishing and recreating the district, which had been in existence either as Kenton Special School District or Kenton High School Dist. No. 32 since 1905 for the purpose of providing for a school system within the boundaries of the district as set forth therein and providing for the financing thereof and the levying of a tax for the payment of principal of and interest on any bonds issued to provide schools within the district; and

WHEREAS, pursuant to various proceedings before the Chancery Court of the Twenty-Seventh Judicial District of Tennessee, at Union City, in litigation styled Gallimore v. Wheatley and Kenton Special School District v. Gibson County School District, Civil Action No. 11,733, it has been determined that the district has not been abolished, has been continuously in existence since its creation and currently is in existence as a special school district with the power to levy taxes and own, control and supervise schools within the boundaries of the district; and

WHEREAS, the current boundaries of the district, as defined by Chapter 84 of the Public Acts of 1947, encompass territory lying within the boundaries of and served by Gibson County Special School District and territory lying within Obion County, which is served by the Obion County school system; and

WHEREAS, the citizens and taxpayers within the boundaries of the district have indicated their desire to reestablish an elementary school within the district so that elementary school children residing within the district can attend a school within the Kenton community rather than being split between schools in Gibson County and Obion County and being required to travel to schools outside the community; and

WHEREAS, it is the desire of the Board of Education of the Kenton Special School District and the City of Kenton to provide adequate facilities and equipment to meet the standards of the Tennessee Education Improvement Act of 1992 and to provide an educational program within the district for children in grades kindergarten through eight (K-8) with minimum transportation of said children; and

WHEREAS, it is proposed that the district contract with the Gibson County Special School District or other appropriate entity for the operation of a school within the Kenton Special School District; and

WHEREAS, for all these purposes, it is necessary to authorize the district to take certain actions as more fully described herein; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 84 of the Public Acts of 1947, as amended by Chapter 637 of the Public Acts of 1984, Chapter 868 of the Public Acts of 1986, Chapter 78 of the Public Acts of 1997, and all other acts amendatory thereto, it is further amended by adding the following new sections:

SECTION (____) The district is hereby authorized and empowered to establish, or cause to be established, within its boundaries and own, either individually or jointly with the city of Kenton, Tennessee, an elementary school, together with all land, equipment, furniture, and fixtures necessary for the operation thereof, together with such other school or schools as may be necessary to serve the educational needs of the citizens and residents of the district, and to provide for the operation thereof. The provisions of this section shall only apply to those portions of the district lying within Gibson County and shall not apply to or affect portions of the district lying within Obion County.

SECTION (____) The district is hereby authorized and empowered to enter into an agreement or agreements with Gibson County Special School District, or such other public entity as it shall deem appropriate, to provide for the administration of the schools of the district, the operation and management of all school properties and facilities of the district, and the maintenance and repair of all school properties and facilities of the district. The provisions of this section shall only apply to those portions of the district lying within Gibson County and shall not apply to or affect portions of the district lying within Obion County.

SECTION 2. All provisions of the act of incorporation and amendments thereto not modified or amended herein shall remain in full force and effect. To the extent of any conflict between the act of incorporation and this amendment, this amendment shall control.

SECTION 3. If any provision of this act or the application thereof shall be held by any court or competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this act and the application of the remaining provisions hereof shall not be affected thereby, shall be enforced to the greatest extent permitted by law and are declared to be severable.

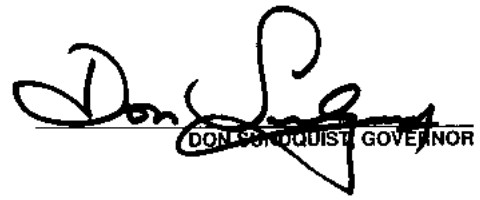
SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 1, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 1998


DON SUNDQUIST GOVERNOR